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I. LAND AND PEOPLE

A. Physical geography

1. Owing to its position in the Saharan region of eastern West Africa, Niger (total area 1,267,000 km^2) is severely handicapped by its landlocked situation and arid climate. The Sahara accounts for two thirds of national territory. The climate is very unstable, especially as the amount of rainfall can vary between 20 and 50 per cent from one year to the next. This has an impact on agro-pastoral and agricultural output since, generally speaking, only one harvest can be gathered in every year. Moreover, poor soil quality and erosion by wind and water further contribute to very low agricultural productivity and yields.

2. The hydrographical network consists of the River Niger. However, its irregular discharge is a constraint on the development of irrigation and the satisfaction of the water needs of people and livestock. It is true that there are groundwater deposits in the Saharan region of the country, but their great depth precludes exploitation.

3. Desertification and successive droughts thus give rise to continuous population flows towards supposedly more favourable areas, the towns and neighbouring countries.

B. Demographic characteristics

4. According to the 1988 census, Niger's population was 7,248,000. The estimated population in 1993 was 8,165,000; this figure could rise to 11 million in 2000 if the current trend continues unabated. The population is predominantly Muslim (98.7 per cent) and is made up of eight main ethnic groups, namely (in order of size) the Hausa (56 per cent), the Djerma-Songhai (22 per cent), the Peulh (8.5 per cent), the Tuareg (8 per cent), the Kanuri (4.5 per cent) and the Arabs, Tubu and Gurma (1 per cent).

5. The principal demographic characteristics of Niger are as follows*: high level of annual population growth (3.3 per cent); extremely youthful population (49.5 per cent of the population being under 15 and 21.5 per cent under five); low population density (5.7 persons per km^2) and uneven population distribution throughout the national territory; 50.3 per cent of the population is female and 49.6 per cent is male; a literacy rate of 20 per cent in 1997 (21.52 per cent of males and 12.4 per cent of females are literate); life expectancy of 47 years in 1997; an unemployment rate of 3.3 per cent in 1988; an infant mortality rate of 127 per thousand; a maternal mortality rate of 7 per thousand; a school enrolment ratio of 30.2 per cent in 1997-1998; and an urban development ratio of 6 per cent.

6. The high level of population growth and the extreme youthfulness of the population are challenges that need to be addressed to meet the demand for food supplies, social services (health, education, etc.) and environmental concerns (extension of croplands, excessive forest clearance for firewood).

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* Source: Economic Recovery Programme, July 1997.

7. Although the rural population is growing by 2.2 per cent a year, the rate of urbanization (now at 6 per cent) is tending to accelerate owing to the drift from the land. The causes of this exodus are persistent drought and declining food production, leading to food insecurity and growing impoverishment in rural areas.

C. Administrative organization

8. Niger is divided into departments, arrondissements, communes, cantons and villages, including the urban community of Niamey, which enjoys special status. Currently there are seven departments administered by prefects (with a prefect-president in the urban community of Niamey); 36 arrondissements administered by sub-prefects; 18 urban communes currently run by delegated administrators; three rural communes; 27 administrative centres administered by chief officers reporting to the sub-prefects; 209 cantons; and approximately 9,500 villages.

9. Arrondissements and communes are municipalities with legal personality and legislative bodies whose members are normally elected by universal suffrage. A process of decentralization is currently under way and will eventually ensure genuine municipal autonomy.

D. Economic, social and political development

10. From independence to date, the social and economic development of Niger has been fundamentally affected by the vagaries of the climate, the health of the national economy, and fluctuations in the price of export commodities (groundnuts, livestock, uranium).

11. The period 1960-1974 was that of the groundnut economy, characterized by real GDP growth of 4.3 per cent a year between 1960 and 1968. This growth made possible the first efforts to develop national infrastructure, including the social sphere. These initial ambitious development plans were thwarted by the scale of the obstacles to be tackled, the downswing in the groundnut market and poor rainfall towards the end of this period. This was also a period of one-party rule (that of the Parti progressiste nigérien, the local section of the Rassemblement démocratique africain (PPN-RDA)), which witnessed the first experiments in decentralization (establishment of municipalities).

12. In the years 1975-1981 the improved rainfall situation, a world economic climate more favourable to Niger and, above all, the boom in uranium mining helped to relaunch an economy that had been severely shaken by the drought of 1973. GDP increased at a rate of 20 per cent per annum; the same applies to tax revenue. Public and private investment increased from 10 billion CFA francs (CFAF) in 1960 to CFAF 163 billion over the period in question.

13. This period of recovery in output and consumption enabled Niger to create an impressive economic infrastructure and make great strides in social development: large-scale hydro-agricultural projects were implemented in the valley of the River Niger and in the interior of the country, and school enrolment increased at an annual rate of 10 per cent. The debt ratio increased from 15 per cent of GDP in 1975 to 30 per cent in 1982.

14. In the political sphere, on 15 April 1974 the armed forces staged a coup d'état and put an end to the one-party rule of the PPN-RDA; they instituted a state of emergency which lasted until the establishment of the First Republic in 1989. It was at this time that the structures of the Mouvement national pour une société de développement (MNSD) were put in place.

15. From 1982 the collapse of the uranium market, the fluctuating value of the Nigerian naira and poor rainfall, combined with the global economic recession, slowed economic growth and led to severe financial disequilibrium, which induced the Government to embark on a stabilization policy followed by structural adjustment measures. In 1988, as a result of these measures, financial equilibrium was achieved, but economic performance was mediocre and the social situation, whether or not due to the adjustment measures, became a cause for concern despite a manifest willingness to preserve past gains. School enrolment and health coverage stagnated. The quality of teaching and health care declined slightly as per-capita expenditure in both sectors was cut back and household purchasing power fell. Food insecurity increased, especially under the impact of a deterioration in climatic conditions.

16. The period 1989-1993 was characterized by deep economic depression, a slump in tax revenues (exacerbated by the informalization of the economy), and severe pressure on the treasury which necessitated a string of painful choices that invariably penalized the social sector. The construction of new clinics and classrooms was no longer funded directly by the State, and hence there were no significant improvements in school enrolment or health coverage, given that quality of service is notably affected by shortages of textbooks, classroom supplies and medicines and the poor state of medical equipment.

17. The MNSD, the new ruling party founded in October 1989, controlled political life until 1990, when a process of democratization was launched that culminated in the holding of the National Conference in July 1991. This was followed by the adoption of the Constitution of the Third Republic and the holding of free and democratic elections in February and March 1993.

18. The period from 1994 to date has been characterized by a return to structural adjustment, first of all externally through the 50-per-cent devaluation of the CFA franc in 1994 and then domestically through the implementation of budget-tightening measures and privatization. On the political front, the coup d'état of 27 January 1996 was followed by presidential elections in July and parliamentary elections in November of the same year.

19. Administratively, the country is divided into seven departments, with the urban community of Niamey also enjoying departmental status. The departments are divided into 36 arrondissements with municipal status. There are also 18 urban communes, 3 rural communes, and 27 administrative centres. The departments are administered by prefects; the urban community of Niamey by a prefect-president; the arrondissements by sub-prefects; the communes by mayors; and the administrative offices by chief officers. There are also traditional chiefs.

Economic and trade indicators

Currency	CFA franc (CFAF 1 = 0.01 French franc)
GDP	US$ 252 million
Per capita GDP	US$ 296
Total external debt	US$ 1,711 million
Inflation	2.9 per cent
Imports	US$ 364 million
Exports	US$ 283 million

20. Despite these constraints, Niger does possess economic potential in the following sectors:

Mining

21. Niger boasts a significant and diversified mining potential. Its principal mineral resources are uranium, gold, coal, cassiterite, phosphate (estimated reserves of 250 million tonnes), iron ore (estimated reserves of over 1 billion tonnes), crude oil, salt, molybdenum, limestone, gypsum, etc.

Agriculture

22. Although agricultural output principally revolves around cereals (millet, sorghum, rice, maize), cash crops have significant potential for agro-industry and export (for example cotton, groundnuts and cowpeas). The same is true of the increasingly buoyant market in vegetable crops such as onions, garlic, peppers and sesame.

Stockraising

23. This is a very important sector accounting for more than 15 per cent of GDP.

Handicrafts

24. This sector, which is extremely diversified and heterogeneous, is a mainstay of the tourist industry.

Tourism

25. Owing to its position at the crossroads of North Africa and sub-Saharan Africa, Niger possesses tremendous tourist potential ranging from the tourist attractions along the River Niger to the well-trodden circuits of the Ténéré and Aïr deserts.

Trade and services

26. This sector focuses on the export of domestically produced goods and the re-export of goods resulting from Niger's position at the intersection of geographical, economic and monetary zones.

Transport

27. In 1996 the total length of the intercity road network was approximately 13,800 km, of which 3,621 km were metalled. By contrast, obsolete rolling stock needs to be replaced. In addition, Niger's position at the crossroads of various regions means that it is well placed to play the role of an air transport hub.

II. GENERAL POLITICAL STRUCTURE

28. Niger is a former French colony which became independent on 3 August 1960. Between independence and the early 1990s the country was governed under a one-party system or by a military regime.

29. A Constitution was adopted at the end of the 1980s, superseding that of November 1960. One-party presidential elections were also held.

30. The National Conference took place from 29 July to 3 November 1991, at the close of which a Prime Minister was elected for a 17-month period of democratic transition. A further Constitution was adopted in December 1992 and the first multiparty elections were held in 1993.

31. The parliamentary elections of February 1993 and the presidential elections of March 1993 were won by the Alliance des forces de changement, a coalition of parties sympathetic to the President. A new Prime Minister was appointed to coordinate the work of the Government, but after the President's sympathizers lost their parliamentary majority, the opposition-controlled National Assembly reversed the programme. The National Assembly was then dissolved and new parliamentary elections were held in January 1995.

32. The electoral victory of the opposition marked the beginning of a period of cohabitation set against a backdrop of crisis. This situation continued until the coup d'état staged by a group of army officers (subsequently the Conseil de salut national (CSN)) led by the army Chief-of-Staff.

33. On 12 May 1996 the CSN presided over the adoption of the Constitution of the Fourth Republic. Presidential elections were held in July 1996, and were won by the Chairman of the CSN supported by a National Committee. This support committee later emerged as a political unit, the Rassemblement pour la démocratie et le progrès (RDP).

34. The opposition parties, believing that the ballot was riddled with irregularities, regrouped as the Front pour la restauration et la défense de la démocratie (FRDD). The opposition refused to participate in the parliamentary elections of November 1996, thereby ushering in a new phase of political instability.

35. An agreement was then concluded between the Government and the opposition in the form of the Alliance des forces démocratiques et sociales (AFDS) and the Front pour la restauration et la défense de la démocratie (FRDD).

36. The parties sympathetic to the presidency united in the Convergence pour la République (CPR).

37. The local elections of 1998 were mostly nullified by the Supreme Court. The results were widely contested and led to an acute political crisis.

38. On 9 April 1999 the army once again entered the political arena, following the death of President Baré. The Conseil de réconciliation nationale (CRN), the supreme State power, dissolved the National Assembly and suspended the Constitution.

39. Order No. 001/CRN regulated the authorities during the transitional period. The CRN was vested with executive and legislative power, and judicial power was exercised by the Court of State, appeal courts and district courts. The new Constitution, which enshrined a semi-presidential regime, was adopted by referendum on 18 July 1999. Presidential and parliamentary elections were planned for October and November 1999.

40. In the meantime, it should be noted that successive Governments from the transition period to the present time have worked to bring about peace in the north of the country.

41. The first Government of the Third Republic immediately opened negotiations with the Tuareg Front de libération de l'Aïr et de l'Azawak. These negotiations culminated in a three-month renewable truce in June 1993. However, this truce was never accepted by certain dissident movements.

42. The Coordination de la résistance armée (CRA) was founded in 1994 to resolve the differences between the various Tuareg movements. In early 1995 the CRA proposed an autonomous administration and government for the territory which they claimed.

43. The central authorities rejected this proposal. Nevertheless, long and arduous negotiations culminated in the signing on 24 April 1995 of a peace agreement between the Government of the Third Republic and the Tuareg movements.

44. The process of reintegrating former resistance fighters is continuing. To date, several hundred Tuareg have been integrated into the defence and security forces, the civil service and other projects thanks to the efforts of the Government, various mediators (France, Algeria, Burkina Faso) and the Office of the High Commissioner for the Restoration of Peace (HCRP). Hundreds of others who left the country as a result of the war have since returned owing to the efforts of the National Commission for the Repatriation of Refugees (CONARAP).

45. Negotiations with a second dissident front - the UFRA, based in the Djado mountains, also in the north of the country - resulted in the signing of another peace agreement in 1998.

46. The participants at the National Conference in 1995 had refused to contemplate a structural adjustment programme. But the collapse in the price of uranium (the principal source of national revenue), the devaluation of the CFA franc and subsequent inflation hit public finances hard. The Government therefore appealed to the Bretton Woods institutions and,

reconsidering its refusal to contemplate a structural adjustment programme, signed a letter of intent for just such a programme, thereby ending two years of strained relations between these institutions and Niger.

47. The International Monetary Fund and the World Bank subsequently promised Niger 1 billion French francs over the period 1994-1996.

48. Other donors contributed 1.1 billion French francs, and in 1994 the Paris Club halved the country's debt service.

49. Negotiations have now been definitively resumed with the Bretton Woods institutions and the Ministry of Finance, Economic Reform and Privatization has embarked on a programme of privatizing State corporations.

III. GENERAL LEGAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

50. The Constitution of the Fourth Republic, adopted on 12 May 1996, proclaims and affirms Niger's commitment to the principles of pluralist democracy and human rights as defined by the 1948 Universal Declaration of Human Rights, in addition to the separation of powers and the independence of the judiciary from the executive and legislative branches. Article 17 of the Constitution states that justice is administered with strict regard for the rights and liberties of citizens. The Constitution also makes judges the guardians of individual and collective liberties and a bulwark against the arbitrary and unjust treatment of citizens.

51. In the light of the relevant provisions of the Constitution, the judiciary is the authority best placed to deal with human rights issues in Niger. There are other institutions, both governmental and non-governmental, which also play a role in the protection and promotion of human rights.

52. There are three sources of law in Niger, namely modern, customary and Muslim law.

A. Authorities with jurisdiction concerning human rights

53. These are of three kinds: judicial, administrative and community-based. They are supported by judicial auxiliaries, namely the traditional chiefs and the cadis. The latter are commonly involved in resolving local disputes.

54. The structure of the judiciary is as follows. At the apex of the civil and criminal court hierarchy stands the Supreme Court, which is entrusted with supervising and harmonizing the application of the law by the lower courts. It has sole jurisdiction over electoral disputes and the interpretation of the Constitution. It also rules on appeals in respect of abuse of authority. The Court of Appeal is an intermediate ordinary-law judicial body whose function is to hear cases de novo when the losing party lodges an application for a retrial. Courts of first instance have jurisdiction over all matters not expressly attributed by statute to another jurisdiction. Chambers of courts of first instance have the same powers as courts of first instance. Justices of the peace have jurisdiction over individual cantons and hear cases alone.

55. As of April 1998 there were 144 judges in 29 circuits covering the entire national territory. This is inadequate for a country with an area of 1,267,000 km^2 and a population of 8,800,000.

56. The problem is obviated to some extent by the fact that the law gives the administrative and customary authorities the power to mediate between the parties in civil and commercial cases where a settlement is likely to be reached. Thus Act No. 64-12 of 18 March 1964, subsequently amended by Order No. 75-07 of 28 January 1975, empowers prefects, sub-prefects, chief administrative officers, traditional chiefs, justices of the peace and court judges in civil and customary matters to mediate between the parties in civil and commercial cases.

57. Furthermore, as part of its policy to make justice more accessible to the public, the Ministry of Justice has made provision in its short-term programme of action for the gradual introduction of justices of the peace in the administrative centres of all arrondissements and the merger of chambers of courts of first instance into courts of first instance.

58. Courts of first instance will also be established in the administrative centre of each department.

59. The Human Rights Directorate of the Ministry of Justice, founded in 1996, is an administrative structure responsible for protecting human rights. The Directorate is undertaking studies with a view to establishing a national committee for the protection and promotion of human rights.

60. Among community-based structures, there are a number of non-governmental organizations (NGOs) which monitor the protection and promotion of human rights in Niger (see section E).

B. Remedies

61. Any person who considers his rights to have been violated may apply to the appropriate court for a remedy. According to the individual case, this remedy may take the form of compensation or rehabilitation.

C. Rights provided for in international instruments

62. These rights are protected by the Constitution, article 121 of which states that: "Lawfully ratified treaties and agreements shall take precedence over domestic statutes as soon as they are published".

63. In accordance with a well-established principle of the law of treaties, no State may invoke its domestic law to escape obligations flowing from a treaty. However, when an international instrument contains provisions that are incompatible with the national Constitution, a special procedure is required for ratification.

64. To this end, article 120 of the Constitution states that: "When, pursuant to referral by the President of the Republic, the speaker of the National Assembly, or one tenth of the deputies, the Supreme Court rules that an international instrument contains a provision that is unconstitutional, the said instrument may be ratified only after a revision of the Constitution".

D. Incorporation of international instruments into domestic law

65. The adoption of an enabling act is a precondition for the ratification of international instruments which are liable to modify the domestic legal order (Constitution, article 119).

66. Because International instruments are part of domestic positive law by virtue of their publication in the Official Journal and their implementation as laws of the State, their provisions may be invoked before the courts or the administrative authorities, which are bound to apply them. Furthermore, any modification of the domestic legal order following the ratification of such an instrument is basically intended to facilitate its application.

67. Accordingly, the rights enshrined in regional instruments such as the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child, or international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Slavery Convention and the Protocols thereto, the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, may be invoked before the courts, which are under an obligation to apply them.

E. National institutions and organizations monitoring observance of human rights

68. The relevant Government agency is the Human Rights Directorate. Community groups working in this sphere include:

Reseau d'intégration de diffusion du droit en milieu rural (RIDD-FITILA);

Association démocratie-liberté-développement (DLD);

Association nigérienne de défense des droits de l'homme (ANDDH);

Alliance nigérienne des artistes, intellectuels et communicateurs pour l'enfance (ANAICE);

Association nationale des scouts du Niger;

Project involving a coalition of NGOs and associations campaigning for the child's right to participate;

Federation of United Nations Educational, Scientific and Cultural Organization (UNESCO) Clubs and Associations of Niger which have incorporated the Convention on the Rights of the Child into their programmes;

Garkua Dan Adam or Ligue nationale de défense des droits de l'homme;

Groupes d'études et de recherches sur la démocratie et le développement économique et social du Niger (GERDES-Niger);

ADALCI community movement;

Association pour l'intégration économique des femmes (AIFEN);

Association des femmes du Niger (AFN);

Rassemblement démocratique des femmes du Niger (RDFN);

Association des femmes juristes du Niger (AFJN);

Association nigérienne pour le bien-être familial (ANBEF);

Association TIMIDRIA-Fraternité.

These Government-recognized NGOs work to promote and protect human rights throughout the country.

IV. INFORMATION AND PUBLICITY

69. The Government is making great efforts to ensure that the public at large and the relevant authorities are aware of the rights enshrined in the international and regional human rights instruments to which Niger is a party. Awareness-raising campaigns on radio or television are the most commonly used means of publicizing this information.

70. In addition, some NGOs are advocating the introduction of human rights education in schools and rural areas.